

REMARKS

Initially, applicants would like to thank Examiner Kidwell for granting an interview and for her time spent in the interview.

As noted at the interview, applicants have properly claimed priority in the Application Data Sheet filed December 6, 2001. Accordingly, the priority objection should be withdrawn.

As also noted at the interview, page 15, lines 4-6 of the specification as filed provides support for an elastic member attached to the article in a stretched state as recited in claim 11. Accordingly, the new matter objection and the 35 U.S.C. 112, first paragraph rejection are believed improper and should be withdrawn.

Reconsideration is respectfully requested, for the rejection of the claims as anticipated by or unpatentable over CHEN et al. 6,492,574.

It is not accurate to say that CHEN et al. disclose that the rear portion of the absorbent body comprises a layer that is split into a substantially Y-shaped body having a first leg and a second leg with a gap between the legs. Instead, CHEN et al. disclose a layer with an opening in the mid-section such that upon compression of the article, the layer folds into an inverted V-shape. In addition, the entire absorbent layer of CHEN et al. folds into the inverted V-shape. The layer is thus not

split into a substantially Y-shaped body having a first leg and a second leg with a gap between the legs, as required by claim 1.

Accordingly, claim 1 and the claims that depend therefrom are believed patentable over CHEN et al. In addition, the dependent claims also include features not disclosed by CHEN et al.

Specifically, claim 3 provides that the elastic member runs along a center line of the absorbent article, from where the center line meets the rear edge, to a point beyond the point where the layer in the absorbent body is split into the two legs. As pointed out at the interview, Figure 24 of CHEN et al. noted in the Official Action does not have an elastic member that extends to the edge of the article.

Claim 4 provides that the elastic member runs along the center line, longitudinally along the entire absorbent article. The Examiner's position set forth in the interview is that CHEN et al. have an elastic member that extends in the vertical direction, not longitudinally.

Claim 11 provides the structural limitation that the elastic member is in a stretched state. Member 30 (elastic member) of CHEN et al. is effective when compressed. Accordingly, CHEN et al. would not have an elastic member that is in a stretched state since such state is opposed to compression and the article of CHEN et al. does not appear to be operable in a stretched state.

New claims 13 and 14 depend from claim 1 and further define the invention and are also believed patentable over CHEN et al. In addition, these claims include features not disclosed by CHEN et al. Specifically, claim 13 provides that the angle α is in a transverse plane. The inverted V-shape of CHEN et al. defines an angle in a plane perpendicular to the transverse plane.

Claim 14 provides that the first and second legs are substantially coplanar. As set forth at the interview, the legs of CHEN et al. are parallel and coplanar in Figure 2, for example, but the legs of CHEN et al. are never coplanar when an angle is formed therebetween.

New claim 15 provides that only a rear portion of the absorbent layer is split into a first leg and a second leg with a gap between the legs having an angle α defined between the first leg and the second leg. New claim 15 defines the rear and center portions with greater specificity such that the rear portion of the absorbent body begins at a change in inclination of the side edges with respect to a longitudinal center line of said article, and the center portion of the absorbent body is a primary receiving portion when a liquid is emitted onto the absorbent body. The split of CHEN et al. is along an entirety of the absorbent body or at best is in the center portion, not only the rear portion.

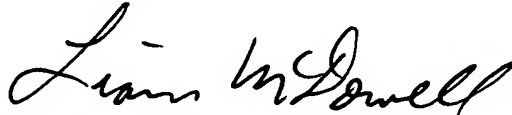
New claim 16 provides that a rear portion of the absorbent layer is split into a first leg and a second leg with a gap between the legs having an angle α defined between the first leg and the second leg so that the gap increases in the transverse direction from the center to the rear portion. The gap of CHEN et al. has a constant width along the absorbent article.

As the claims now in the case bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. \$1.16 or under 37 C.F.R. \$1.17.

Respectfully submitted,

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